

REMARKS

Claims 1-17, 56-69 and 126-128 are pending in this application. By this Response, Applicant has amended claims 1, 7, 8, 14, 56, 67-69, and 128. Claims 18-55, 70-125 have been canceled without prejudice to reinstate in a continuation application. Applicants respectfully submit no new matter was added by this amendment. Accordingly, claims 1-17, 56-69 and 126-128 are at issue.

The Examiner has objected to the title of the present application. By this Response, Applicants are amending the title to be more clearly indicative of the invention to which the claims are directed. Accordingly, Applicants respectfully submit this objection is now moot.

The Examiner has rejected claims 1-17, 56-69 and 126-128 under the judicially created doctrine of double patenting as being unpatentable over U.S. Patent No. 5,982,362. Applicants are hereby submitting a terminal disclaimer in compliance with 37 C.F.R. 1.321(b). Accordingly, Applicants respectfully submit this rejection is now moot.

The Examiner has rejected claims 1-17, 56-69 and 126-128 under the judicially created doctrine of double patenting as being unpatentable over U.S. Patent No. 5,805,442. Applicants are hereby submitting a terminal disclaimer in compliance with 37 C.F.R. 1.321(b). Accordingly, Applicants respectfully submit this rejection is now moot.

The Examiner has rejected "claims 1-17, 56-69 and 126-128" under 35 U.S.C. 103(a) as being unpatentable over Gosling in view of Smith. Applicants respectfully traverse this rejection.

Applicants note that notwithstanding the identification of the claims rejected under section 103(a), the Examiner has indicated at paragraph 7 of the Office Action that claim 7 is not rejected over the cited art. Accordingly, the rejection should be only of claims 1-6, 8-17, 56-69 and 126-128. By this Response, Applicants have moved certain limitations of claim 7 into claim 1.

Claim 1, as amended herein, is directed to a controller configured to gather data from an industrial control function. The controller includes a web server that provides the data to a remotely located computer and instructions that cause the remotely located computer "to present

the data in a predetermined format wherein the data is displayed in a dynamic fashion.” This allows a user of the remotely located computer to effectively monitor the industrial control function without requiring the remotely located computer to have the appropriate interface for displaying the data prior to receipt of the data.

Neither Gosling nor Smith, either alone or combined, disclose the controller of claim 1. As acknowledged by the Examiner in the Office Action, “Gosling does not explicitly teach utilizing a sensor for gathering operating data from a device,” and thus is not concerned with data from an industrial control function. Moreover, there is nothing in Gosling that would motivate one skilled in the art to dynamically display data of an industrial control function on a remotely located computer.

Accordingly, Applicants respectfully submit claim 1, as amended herein, is patentable over Gosling in view of Smith. Claims 2-6 (and 7) depend on claim 1, either directly or indirectly and include each of its limitations. Thus, Applicants respectfully submit these claims are also patentable over Gosling in view of Smith.

Claim 8, as amended herein, is directed to a method that includes transmitting instructions to the remotely located computer “to present the data in a dynamic fashion in accordance with the web page.” Similarly, claim 56, as amended herein, requires “causing the status data from the controller to be displayed on the computer in a dynamic fashion”; claim 67 requires “the data to be monitored to be displayed dynamically in a predetermined format on the monitoring computer”; claim 68, as amended herein, requires “the data to be monitored to be displayed dynamically in a predetermined format on the monitoring computer”; and claim 69, as amended herein, requires “means for causing the status data from the controller to be dynamically displayed on the remote computer.” Accordingly, for the reasons given above with respect to claim 1, Applicants respectfully submit that claims 8, 56 and 67-69 are also patentable over Gosling in view of Smith.

Claims 9-17 depend on claim 8, either directly or indirectly, and include each of its limitations, claims 57-66 depend on claim 56, either directly or indirectly, and include each of its limitations. Accordingly, Applicants respectfully submit these claims are also patentable over Gosling in view of Smith.

Claim 126 is directed to a factory automation control system that includes a remote computer configured “to access a memory of a controller controlling equipment of a factory automation system.” Claim 126 requires the remote computer be able “to change the data stored in the memory of the controller by manipulating the information displayed in the browser.” Thus, the remote computer can effect some change or control over the controller. Contrary to the Examiner’s position, claim 126 is not of similar scope as claims 1-6.

Again, neither Gosling nor Smith, either alone or combined, disclose the system of claim 126. Gosling is only concerned with providing compound documents to another computer to enable the other computer to display data. Gosling is not concerned with a monitoring or control system that can effect the computer providing the data. Accordingly, Applicants respectfully submit claim 126 is patentable over Gosling in view of Smith.

Claims 127 and 128 are directed to method and computer readable medium for effecting the method that includes “changing the data stored in the memory of the controller by manipulating the information displayed in the browser.” Accordingly, for the reasons given above with respect to claim 126, Applicants respectfully submit claims 127 and 128 are also patentable over Gosling in view of Smith.

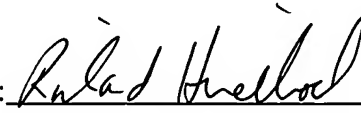
CONCLUSION

In light of the foregoing Remarks, Applicants respectfully submit pending claims 1-17, 57-69 and 126-128 are in condition for allowance. Accordingly, Applicants respectfully request reconsideration and allowance of claims 1-17, 57-69 and 126-128. The Examiner is invited to contact the undersigned at the number below if there are any questions concerning this Response.

The Commissioner is authorized to debit or credit Deposit Account No. 23-0280 for any payment **deficiencies or overpayments** associated with this matter.

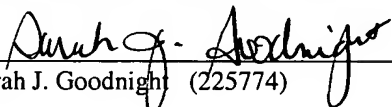
Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on June 7, 2005.


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